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EXAMINER
SCHNEE, HAL W

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/560,682	FONTIJN ET AL.
	Examiner	Art Unit
	HAL SCHNEE	2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 February 2008_.
2a)☒ This action is **FINAL**.　　　2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-13 and 15-32_ is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-13 and 15-32_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-13 and 15-32 are pending in this application. Claims 1-13 and 15-26 are

amended, Claim 14 is cancelled, and Claims 27-32 are new, all by applicant's amendment filed

27 February 2008.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

3.   Claims 21-26, and 29-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claims contain subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention.

        Regarding Claim 21, as amended, the present claim recites the limitation "wherein said

navigation area is accessible at a rate higher than an access pattern information for sequential

data retrieval." The examiner is unable to find support for this limitation in the original

disclosure. Amended Claim 1 contains a new limitation that at first glance appears similar, but in

Claim 1 the limitation is directed towards writing location information in the navigation area that

points to data on the record carrier that is accessed at a higher rate than other data on the record

carrier; there is support for this limitation on p. 4, lines 25-29 of the applicant's disclosure. The

present claim, in contrast, now recites a limitation directed towards the rate of accessing the

navigation area itself. The original disclosure contains no reference to the rate of accessing the

navigation area.

Regarding Claim 26, as amended, the present claim recites the limitation "wherein

writing is performed at a rate higher than an access pattern information for sequential data

retrieval." As with Claim 21, the "writing" is referring to writing to the navigation area; the

original disclosure contains no description of writing to the navigation area at a higher data rate

than other data on the record carrier, as described for Claim 21, above.

Regarding Claims 22-25 and 29-32, they are rejected under 35 U.S.C. 112 as being

dependent on rejected base claims.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Acker (U.S.

2002/0181376).

Regarding Claim 21, Acker teaches a record carrier for storing data on an information

area thereof (Abstract, lines 1-2), wherein said information area comprises a navigation area for

storing at least one predetermined parameter specifying at least one of a logical format and an

application format used on said record carrier (¶ [0004], lines 16-27—there is a pointer in the

lead-in area which points to the lead-out area, which in turn points to the start of the data for a

session; sessions are separate areas on the record carrier. The lead-in area thus comprises a

navigation area);

wherein said navigation area is accessible at a rate higher than an access pattern

information for sequential data retrieval (¶ [0152]-[0154]—the maximum transfer rate recorded

in the navigation area can be higher than that of sequential data retrieval, such as for audio CD

data, indicating that the navigation area itself is also accessible at this higher rate).

Regarding Claim 22, Acker teaches said navigation area is arranged in a lead in area of

said information area (¶ [0004], lines 16-27, as for Claim 21, above).

Regarding Claim 23, Acker teaches sessions provided in said information area are

written without separate lead-in and lead-out area (fig. 19; ¶ [0176]—only the first session has a

lead-in area, and only the last session has a lead-out area).

Regarding Claim 24, Acker teaches sessions provided in said information area have a

granularity of one fragment (¶ [0038] and fig. 12, ¶ [0121]-[0126]—a fragment can be defined as

any number of ECC blocks according to the present disclosure; the Session Map Block shown

and described here can be considered a fragment, and sets the granularity of a session).

6.   Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Heo et al. (U.S.

Patent 6,901,210, hereafter "Heo").

Regarding Claim 26, Heo teaches a method of reading from or writing to a record

carrier (Abstract, lines 1-3), said method comprising the acts of:

a) providing on said record carrier a predetermined navigation area (fig. 2; col. 4, lines

25-38—the lead-in area, logical volume area, and UDF file system together constitute a

predetermined navigation area);

b) writing on said navigation area at least one predetermined parameter specifying at least

one of a logical format and an application format used on said record carrier (fig. 2; col. 4, lines

25-38—the CD and DVD formats are both logical and application formats); and

c) using said at least one predetermined parameter for at least one of a read access and a

write access to said record carrier (col. 5, line 61-col. 6, line 4—the device uses the parameter to

determine which application and data format apply to the record carrier, and then reads and

decodes the data);

wherein writing is performed at a rate higher than an access pattern information for

sequential data retrieval (col. 1, lines 30-34—a 32X CD drive writes at a rate higher than an

access pattern for sequential data retrieval, such as for CD audio data).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   Claims 1, 3, 4, 9, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Heo (U.S. Patent 6,901,210) in view of Ballantyne (U.S. Patent 6,693,869).

9.   Claim 1 is being treated under 35 U.S.C. 112, sixth paragraph as it invokes means-plus-

function language as described in MPEP § 2181.

      Regarding Claim 1, Heo teaches a drive device for providing access to a record carrier

(fig. 3; col. 4, lines 39-45), said drive device comprising access means for providing at least one

of a read access and a write access to at least one predetermined parameter written on a

predetermined navigation area (DN) on said record carrier, said at least one predetermined

parameter specifying at least one of a logical format and an application format used on said

record carrier (fig. 2; col. 4, lines 25-38—the lead-in area, logical volume area, and UDF file

system together constitute a predetermined navigation area. The CD and DVD formats are both

logical and application formats).

      Heo does not teach wherein said access means is arranged to write to said navigation area

a location information of data accessed at a rate higher than an access pattern information for

sequential data retrieval.

      However, Ballantyne teaches an access means arranged to write to said navigation area a

location information of data accessed at a rate higher than an access pattern information for

sequential data retrieval (col. 13, lines 26-36 describes placing certain types of files towards the

outer portion of the disk. These files, such as the .EXE {executable} files specifically cited, are

desired to be accessed at a higher rate than sequential data, such as audio files. Col. 10, lines 10-

13 further describes choosing locations for higher transfer rates, and col. 2, lines 43-54 explains

the desirability of using a higher data rate for data files than for sequential data retrieval {such as

audio data}. Col. 13, lines 57-60 shows writing the location information of these files to the

navigation area {pointer table}).

All of the claimed elements were known in Heo and Ballantyne and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the writing location information of Ballantyne with the drive device and navigation area of Heo to yield the predictable result of a drive device wherein said access means is arranged to write to said navigation area a location information of data accessed at a rate higher than an access pattern information for sequential data retrieval.

Regarding Claim 3, Heo teaches said at least one predetermined parameter comprises a partition descriptor information for specifying at least one of a nature of each partition on said record carrier, a type of each partition on said record carrier, a space associated with each partition on said record carrier, a fragment allocation to each partition on said record carrier, and specific rules for recording on each partition on said record carrier (col. 4, lines 5-24—the CD session and CD-ROM session constitute different partitions; the parameters specify recording formats such as the DVD/UDF format, which includes specific rules for recording on each partition).

Regarding Claim 4, Heo teaches said access means is configured to provide at least one of a read access and a write access to an application use area provided in said navigation area for storing an application specific information available to at least one of a physical layer, a logical layer and an application layer of said drive device (col. 5, line 61-col. 6, line 4—the DVD Application area in fig. 2 is an application use area in the navigation area, which the device can read for application specific information, such as determining the type of file system; this section

describes access through the differentiation signal {physical layer} and DVD application

formatter {application layer}).

Regarding Claim 9, Heo teaches said access means is arranged to use said navigation

area for reserving space in a program area of said record carrier for specific file systems,

allocation classes or applications (fig. 2; col. 4, lines 5-24—the navigation area reserves space

for an audio CD application and a DVD application, with different file systems for each

application).

Regarding Claim 10, Heo teaches said access means is arranged to use said navigation

area for assigning properties or attributes to said reserved space (fig. 2; col. 4, lines 5-24—the

file formats applied to the reserved space is a property of the space).

Regarding Claim 13, Heo teaches said access means is arranged to use said navigation

area for selecting an application class for an application (col. 5, lines 21-30—the navigation area

is read to determine which application class is to be used to access the data on the disc—CD

audio, CD video, CD-ROM, etc.).

10.   Claims 2, 5, 7, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Heo (U.S. Patent 6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to

Claims 1 and 9, above, and further in view of Acker (U.S. 2002/0181376).

Regarding Claim 2, Heo/Ballantyne does not teach said at least one predetermined

parameter comprises a disc descriptor information for specifying at least one of an identification

of said record carrier, a type of said record carrier, and parameters applying to said record carrier

as a whole. However, Acker teaches at least one predetermined parameter comprises a disc

descriptor information for specifying at least one of an identification of said record carrier, a type

of said record carrier, and parameters applying to said record carrier as a whole (fig. 7; ¶ [0058]

ff.—specifically, Disc type ID is a type of the record carrier, and all of the listed parameters

apply to the record carrier as a whole).

Both Heo/Ballantyne and Acker teach parameters on a record carrier. It therefore would

have been obvious to a person of ordinary skill in the art at the time of invention to substitute the

disc descriptor information of Acker for the parameters of Heo/Ballantyne to yield the

predictable result of having the predetermined parameter comprise a disc descriptor for

specifying parameters that apply to the disc as a whole.

Regarding Claim 5, Heo/Ballantyne teaches accessing parameters in the navigation area,

as described for Claim 1, above, but does not specifically teach said at least one parameter of

said navigation area is accessible by at least one of a logical layer and an application layer of said

drive device by using a predetermined access command. However, Acker teaches accessing the

navigation area using predetermined access commands (¶ [0040], last 8 lines).

All of the claimed elements were known in Heo/Ballantyne and Acker and could have

been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to

combine the accessing the navigation area with commands of Acker with the parameter access of

Heo/Ballantyne to yield the predictable result of said at least one parameter of said navigation

area is accessible by at least one of a logical layer and an application layer of said drive device

by using a predetermined access command.

Regarding Claim 7, Heo/Ballantyne does not teach said access means is arranged to use pointers stored in said navigation area for partitioning said record carrier into separate areas. However, Acker teaches pointers uses for partitioning the record carrier into separate areas (¶ [0004], lines 16-27—there is a pointer in the lead-in area {part of the navigation area} which points to the lead-out area, which in turn points to the start of the data for a session; sessions are separate areas on the record carrier. "Following the chain" indicates that these location indicators are pointers).

All of the claimed elements were known in Heo/Ballantyne and Acker and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the pointers of Acker with the navigation area of Heo/Ballantyne to yield the predictable result of using pointers stored in said navigation area for partitioning said record carrier into separate areas.

Regarding Claim 8, Heo/Ballantyne does not specifically teach said access means is arranged to use said navigation area for determining the location of a starting address number in the logical address space for said record carrier as a whole or for a specific application. However, Acker teaches said access means is arranged to use said navigation area for determining the location of a starting address number in the logical address space for said record carrier as a whole or for a specific application (¶ [0135]—fig. 15 shows the starting address numbers for the record carrier as a whole and for the Data Zone, which is the address for a specific application).

All of the claimed elements were known in Heo/Ballantyne and Acker and could have been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to combine the address determination of Acker with the navigation area of Heo/Ballantyne to yield the predictable result of having the access means arranged to use said navigation area for determining the location of a starting address number in the logical address space for said record carrier as a whole or for a specific application.

    Regarding Claim 11, Heo teaches said access means is arranged to use said navigation area (DN) for providing room for application specific data (fig. 2, User Area 23 is for application specific data, as shown in col. 4, lines 58-65), but Heo/Ballantyne does not specifically teach that the access means is arranged to use said navigation area for providing pointers into said reserved space. However, Acker teaches said access means is arranged to use said navigation area for providing pointers into said reserved space (¶ [0004], lines 16-27, as for Claim 7, above).

    All of the claimed elements were known in Heo/Ballantyne and Acker and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the pointers of Acker with the application specific data area of Heo/Ballantyne to yield the predictable result of an access means that uses the navigation area for providing room for application specific data and for providing pointers into said reserved space.

    Regarding Claim 12, Heo/Ballantyne does not teach said access means is arranged to use pointers stored in said navigation area for applying a seeking function. However, Acker teaches said access means is arranged to use pointers for applying a seeking function (¶ [0121]— the search procedure is a seeking function; the use of pointers is shown in ¶ [0004], lines 16-27).

All of the claimed elements were known in Heo/Ballantyne and Acker and could have

been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to

combine the seeking function of Acker with the navigation area of Heo/Ballantyne to yield the

predictable result of an access means that uses pointers stored in the navigation area for applying

a seeking function.

11.   Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent

6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1, above, and

further in view of Auwens et al. (U.S. 2002/0131767, hereafter "Auwens").

Regarding Claim 6, Heo teaches reading and writing information in the navigation area,

as described for Claim 1, above, but Heo/Ballantyne does not teach said access means is

arranged to provide a caching function for caching at least a part of the information provided on

said navigation area. However, Auwens teaches caching control information recorded by a drive

device (¶ [0005], lines 16-22—buffering the control information is a caching function).

All of the claimed elements were known in Heo/Ballantyne and Auwens and could have

been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to

combine caching function of Auwens with the information in the navigation area of

Heo/Ballantyne to yield the predictable result of having the access means arranged to provide a

caching function for caching at least a part of the information provided on said navigation area.

12.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent

6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1, above, and

further in view of Abboud et al. (U.S. Patent 6,636,958, hereafter "Abboud").

        Regarding Claim 15, Heo/Ballantyne does not teach said access means is arranged to

use a dynamic partitioning for defining areas in said navigation area. However, Abboud teaches

said access means is arranged to use a dynamic partitioning for defining areas in said navigation

area (col. 7, lines 1-6).

        It would have been obvious to a person of ordinary skill in the art at the time of invention

to combine the dynamic partitioning of Abboud with the drive device of and access means of

Heo/Ballantyne as both are directed towards extending the functionality of drive devices. One

would be motivated to make this combination for the purpose of allowing the dynamic adjusting

of the partition size to accommodate the variable size of new applications (Abboud, col. 2, lines

43-46).

13.   Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo

(U.S. Patent 6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1,

above, and further in view of Senshu (U.S. 2003/0103429).

        Regarding Claim 16, Heo/Ballantyne does not teach said access means is arranged to

apply a volume-based rights management to sessions of an information area of said record

carrier. Senshu (¶ [0014] and [0475]). However, Senshu teaches said access means is arranged to

apply a volume-based rights management to sessions of an information area of said record carrier

(¶ [0014] and [0475]).

All of the claimed elements were known in Heo/Ballantyne and Senshu and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the rights management of Senshu with the access means of Heo/Ballantyne to yield the predictable result of a device with access means that applies volume-based rights management to sessions of an information area of the record carrier.

Regarding Claim 17, Heo/Ballantyne does not teach said access means is arranged to apply a volume-based, partition-based or fragment-based defect management to sessions of an information area of said record carrier. However, Senshu teaches said access means is arranged to apply a volume-based, partition-based or fragment-based defect management to sessions of an information area of said record carrier (¶ [0248] and [0250]).

All of the claimed elements were known in Heo/Ballantyne and Senshu and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the defect management of Senshu with the access means of Heo to yield the predictable result of a device with an access means that applies defect management to sessions of an information area of the record carrier.

14.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent 6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1, above, and further in view of Rafanello (U.S. Patent 6,792,437).

Regarding Claim 18, Heo/Ballantyne does not teach said drive device is a removable drive device for an optical disc. However, Rafanello teaches a drive device that is a removable drive device for an optical disc (col. 1, lines 29-34; also col. 3, lines 60-65).

All of the claimed elements were known in Heo/Ballantyne and Rafanello and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the removable optical drive of Rafanello with the device of Heo/Ballantyne to yield the predictable result of a drive device that is a removable drive device for an optical disc.

15.   Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent 6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1, above, in view of Printz et al. (U.S. 2003/0009334, hereafter "Printz").

Regarding Claim 19, Heo/Ballantyne does not teach said drive device comprises a standard interface for storage devices. However, Printz teaches said drive device comprises a standard interface for storage devices (¶ [0046]—the fixed storage is a drive device; PCMCIA, IDE, and CF are all standard interfaces).

All of the claimed elements were known in Heo/Ballantyne and Printz and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the standard interface of Printz with the drive device of Heo/Ballantyne to yield the predictable result of a drive device that comprises a standard interface for storage devices.

Regarding Claim 20, Heo/Ballantyne does not teach said standard interface is a PCMCIA, Compact Flash, Newcard, or MMCA interface. However, Printz teaches said standard interface is a PCMCIA, Compact Flash, Newcard, or MMCA interface (¶ [0046]).

All of the claimed elements were known in Heo/Ballantyne and Printz and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the standard interface of Printz with the drive device of Heo/Ballantyne to yield the predictable result of a drive device with a standard interface that is a PCMCIA, Compact Flash, Newcard, or MMCA interface.

16.   Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acker (U.S. 2002/0181376), as applied to Claim 21, above, in view of Horie (U.S. 2002/0064111).

Regarding Claim 25, Acker teaches sessions provided in said information area have a varying physical location (it is inherent that each session be recorded in a different physical location on the record carrier), but does not teach that sessions have varying size. However, Horie teaches that sessions have varying size (fig. 14, step M8; ¶ [0276]—since the device needs to determine the size of the session, sessions can clearly have varying size).

All of the claimed elements were known in Acker and Horie and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine sessions of varying size of Horie with the record carrier of Acker to yield the predictable result

of a record carrier wherein sessions provided in said information area have at least one of a

varying size and a varying physical location.

17.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent

6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1 above, and

further in view of Lofgren et al. (U.S. Patent 6,081,447, hereafter "Lofgren").

Regarding Claim 27, Heo/Ballantyne does not teach at least one predetermined

parameter further specifies an allocation history of volatile files and, based on the history, said

access means being further configured to re-allocate volatile files if written as many times as half

an expected recyclability of the record carrier. However, Lofgren teaches an allocation history of

volatile files and, based on the history, said access means being further configured to re-allocate

volatile files if written as many times as half an expected recyclability of the record carrier (col.

4, lines 18-24 shows keeping an allocation history of volatile files. Col. 5, lines 25-30 shows

relocating volatile files. Col. 5, lines 48-62 explains the limitations placed on when the

reallocation of volatile files {wear leveling} should occur; this is detailed in col. 7, lines 51-61,

which describes using the history and waiting a large number of rewrite cycles {the exact

number is an adjustable parameter} before performing reallocation in order to maximize the life

of the recording medium).

All of the claimed elements were known in Heo/Ballantyne and Lofgren and could have

been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to

combine the reallocation of volatile files to maximize media life of Lofgren with the navigation

area and parameters of Heo/Ballantyne to yield the predictable result of having at least one

predetermined parameter further specify an allocation history of volatile files and, based on the

history, said access means being further configured to re-allocate volatile files if written as many

times as half an expected recyclability of the record carrier.

18.   Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent

6,901,210) in view of Ballantyne (U.S. Patent 6,693,869), as applied to Claim 1 above, and

further in view of Wilkes (U.S. 2003/0033051).

Regarding Claim 28, Heo/Ballantyne does not teach said access means is further

configured to present an application with the predetermined navigation area for writing desired

data in the predetermined navigation area for allowing the drive device to recognize a file on the

record carrier without understanding content of the file. However, Wilkes teaches said access

means is further configured to present an application with the predetermined navigation area for

writing desired data in the predetermined navigation area for allowing the drive device to

recognize a file on the record carrier without understanding content of the file (¶ [0018] shows

storing information in a header {navigation area} to allow a device to read the data on the record

carrier without a need to understand the content of the files; ¶ [0022] and [0023], describing

reading and translation of the files further indicates that the device does not understand the

contents of the files).

All of the claimed elements were known in Heo/Ballantyne and Wilkes and could have

been combined by known methods with no change in their respective functions. It therefore

would have been obvious to a person of ordinary skill in the art at the time of invention to

combine the writing to the navigation area to allow a device to recognize a file without

understanding its content of Wilkes with the navigation area and access means of

Heo/Ballantyne to yield the predictable result of an access means further configured to present an

application with the predetermined navigation area for writing desired data in the predetermined

navigation area for allowing the drive device to recognize a file on the record carrier without

understanding content of the file.

19.   Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acker (U.S.

2002/0181376), as applied to Claim 21, above, in view of Lofgren (U.S. Patent 6,081,447).

Regarding Claim 29, Acker does not teach at least one predetermined parameter further

specifies an allocation history of volatile files. However, Lofgren teaches at least one

predetermined parameter further specifies an allocation history of volatile files (col. 4, lines 18-

24).

All of the claimed elements were known in Acker and Lofgren and could have been

combined by known methods with no change in their respective functions. It therefore would

have been obvious to a person of ordinary skill in the art at the time of invention to combine the

reallocation of volatile files to maximize media life of Lofgren with the navigation area and

parameters of Acker to yield the predictable result of having at least one predetermined

parameter further specify an allocation history of volatile files.

20.   Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Acker (U.S.

2002/0181376), as applied to Claim 21, above, in view of Wilkes (U.S. 2003/0033051).

Regarding Claim 30, Acker does not teach said at least one predetermined parameter allows a device to recognize a file on the record carrier without understanding content of the file. However, Wilkes teaches said at least one predetermined parameter allows a device to recognize a file on the record carrier without understanding content of the file (¶ [0018] shows storing information in a header {navigation area} to allow a device to read the data on the record carrier without a need to understand the content of the files; ¶ [0022] and [0023], describing reading and translation of the files further indicates that the device does not understand the contents of the files).

All of the claimed elements were known in Akcer and Wilkes and could have been combined by known methods with no change in their respective functions. It therefore would have been obvious to a person of ordinary skill in the art at the time of invention to combine the writing to the navigation area to allow a device to recognize a file without understanding its content of Wilkes with the navigation area and the record carrier of Acker to yield the predictable result of a record carrier wherein said at least one predetermined parameter allows a device to recognize a file on the record carrier without understanding content of the file.

21.   Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent 6,901,210), as applied to Claim 26, above, and further in view of Lofgren et al. (U.S. Patent 6,081,447, hereafter "Lofgren").

Regarding Claim 31, Heo does not teach at least one predetermined parameter further specifies an allocation history of volatile files and, based on the history, said access means being further configured to re-allocate volatile files if written as many times as half an expected

recyclability of the record carrier. However, Lofgren teaches an allocation history of volatile

files and, based on the history, said access means being further configured to re-allocate volatile

files if written as many times as half an expected recyclability of the record carrier (col. 4, lines

18-24 shows keeping an allocation history of volatile files. Col. 5, lines 25-30 shows relocating

volatile files. Col. 5, lines 48-62 explains the limitations placed on when the reallocation of

volatile files {wear leveling} should occur; this is detailed in col. 7, lines 51-61, which describes

using the history and waiting a large number of rewrite cycles {the exact number is an adjustable

parameter} before performing reallocation in order to maximize the life of the recording

medium).

All of the claimed elements were known in Heo and Lofgren and could have been

combined by known methods with no change in their respective functions. It therefore would

have been obvious to a person of ordinary skill in the art at the time of invention to combine the

reallocation of volatile files to maximize media life of Lofgren with the navigation area and

parameters of Heo to yield the predictable result of having at least one predetermined parameter

further specify an allocation history of volatile files and, based on the history, said access means

being further configured to re-allocate volatile files if written as many times as half an expected

recyclability of the record carrier.

22.   Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heo (U.S. Patent

6,901,210), as applied to Claim 26, above, and further in view of Wilkes (U.S. 2003/0033051).

Regarding Claim 32, Heo does not teach the act of presenting an application with the

predetermined navigation area for writing desired data in the predetermined navigation area for

allowing the drive device to recognize a file on the record carrier without understanding content

of the file. However, Wilkes teaches the act of presenting an application with the predetermined

navigation area for writing desired data in the predetermined navigation area for allowing the

drive device to recognize a file on the record carrier without understanding content of the file (¶

[0018] shows storing information in a header {navigation area} to allow a device to read the data

on the record carrier without a need to understand the content of the files; ¶ [0022] and [0023],

describing reading and translation of the files further indicates that the device does not

understand the contents of the files).

All of the claimed elements were known in Heo and Wilkes and could have been

combined by known methods with no change in their respective functions. It therefore would

have been obvious to a person of ordinary skill in the art at the time of invention to combine the

writing to the navigation area to allow a device to recognize a file without understanding its

content of Wilkes with the navigation area and method of Heo to yield the predictable result of a

method that includes the act of presenting an application with the predetermined navigation area

for writing desired data in the predetermined navigation area for allowing the drive device to

recognize a file on the record carrier without understanding content of the file.

Response to Arguments

23.   The amendments to the specification are accepted as overcoming the objections of the

first Office Action, dated 27 November 2007.

24.   The examiner notes the applicant's intention to file a new Oath. The objection to the Oath

remains until the new Oath is received.

25.   Applicant's arguments with respect to Claims 1, 21, and 26 have been fully considered,

but are moot in view of the new grounds for rejection. Regarding the limitations from cancelled

Claim 14 that are now incorporated in different forms into Claims 1, 21 and 26, the original

wording, particularly including the "or" statement, allowed for a broad interpretation that was

taught by Heo, as described in the first Office Action. Amended Claim 1 removes the phrase

following the "or," thus changing the scope of the claims and necessitating a new grounds for

rejection. Regarding the added limitation, Ballantyne teaches an access means arranged to write

to said navigation area a location information of data accessed at a rate higher than an access

pattern information for sequential data retrieval (col. 13, lines 26-36 describes placing certain

types of files towards the outer portion of the disk. These files, such as the .EXE {executable}

files specifically cited, are desired to be accessed at a higher rate than sequential data, such as

audio files. Col. 10, lines 10-13 further describes choosing locations for higher transfer rates, and

col. 2, lines 43-54 explains the desirability of using a higher data rate for data files than for

sequential data retrieval {such as audio data}. Col. 13, lines 57-60 shows writing the location

information of these files to the navigation area {pointer table}).

        Regarding Claims 21 and 26, the amended limitation is worded in a much different way,

such that the present claims now recite matter that was not present in the original disclosure.

Claim 21, as amended, recites the limitation "wherein said navigation area is accessible at a rate

higher than an access pattern information for sequential data retrieval." The examiner is unable

to find support for this limitation in the original disclosure. Amended Claim 1 contains a new

limitation that at first glance appears similar, but in Claim 1 the limitation is directed towards

writing location information in the navigation area that points to data on the record carrier that is

accessed at a higher rate than other data on the record carrier; there is support for this limitation

on p. 4, lines 25-29 of the applicant's disclosure. The present claim, in contrast, now recites a

limitation directed towards the rate of accessing the navigation area itself. The original disclosure

contains no reference to the rate of accessing the navigation area. Claim 26 recites a limitation

substantially similar to Claim 21. The present claims therefore stand rejected under 35 U.S.C.

112, first paragraph. In addition, Acker and Heo teach the new limitations in Claims 21 and 26,

respectively, as described above.

26.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HAL SCHNEE whose telephone number is (571)270-1918. The

examiner can normally be reached on Monday-Friday 8:00 a.m. to 4:30 p.m. E.S.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matt Kim/
Supervisory Patent Examiner, Art Unit
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HWS 24 March 2008